

Docket Item # 1  
BZA CASE # 2003-0049

Board of Zoning Appeals  
October 9, 2003

**ADDRESS:** 2911 EDGEHILL DRIVE  
**ZONE:** R-8, RESIDENTIAL  
**APPLICANT:** ROBERT AND KAY KINNEY, OWNERS, BY WARREN L. ALMQUIST, ARCHITECT

**ISSUE:** Variance to construct an addition and porch in the required front yard.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-406(A)(1)	Front Yard ( Addition Facing Allison)	30.00 ft	10.70 ft	19.30 ft
	Front Yard (Porch Facing Edgehill)	30.00 ft	24.25 ft	5.75 ft
	Front Yard (Addition Facing Edgehill)	30.00 ft	25.00 ft	5.00 ft

**BOARD OF ZONING APPEALS ACTION OF OCTOBER 9, 2003:** On a motion to defer by Mr. Allen, seconded by Mr. Putzu, the variance was deferred by a vote of 6 to 0.

Reasons: This case was deferred to allow the applicant time to explore alternate designs.

Speakers:

Robert Kinney, owner, made the presentation.

**BOARD OF ZONING APPEALS ACTION OF SEPTEMBER 11, 2003:** On a motion to defer by Mr. Curry, seconded by Mr. Allen, the variance was deferred to the October 9, 2003 hearing. Mr. Almquist recused himself from the discussion.

Reasons: This case was deferred to allow the applicant time to explore alternate designs.

Speakers:

Robert Kinney, owner, made the presentation.

(insert sketch here)

**STAFF CONCLUSION:**

This property does not meet the criteria for a variance.

**DISCUSSION:**

1. The applicants propose to make the following improvements to the house at 2911 Edgehill Drive: (1) construct a one-story addition which is located in the required front yard facing Edgehill Drive and Allison Street, (2) construct a covered open front porch facing Edgehill Drive, and (3) construct a new open parking pad facing Allison Street.
2. On September 11, 2003, the Board of Zoning Appeals deferred the applicants request to allow the applicants to explore design alternatives for the proposed addition facing Allison Street. The majority of the Board were concerned over the amount of building mass brought closer to the front property line and street than any existing building currently located on Allison Street. The applicants have responded to the Board's concerns by reducing the size of the addition facing Allison Street. The new two-story addition is now 3.00 feet shorter than originally submitted and a total of 200 square feet less in floor area. The new addition was proposed to be constructed within 8.00 feet of the front property line facing Allison Street. The revised plan depicts the new addition to be located within 10.70 feet facing the front property line facing Allison Street.
3. The subject property, a corner lot, is one lot of record with 105.00 feet of frontage on Allison Street, 71.80 feet of frontage on Edgehill Drive, a depth of 75.20 feet and a total of 7,927 square feet of lot area.
4. The existing one-story house is located approximately 30.00 feet from the front property line facing Edgehill Drive, 31.00 feet from the front property line facing Allison Street, 15.00 feet from the south side property line and 20.00 feet from the east side property line.
5. Real estate assessment records indicate the building was constructed in 1953.
6. The existing one-story building was constructed in 1953 in compliance with the R-8 zone regulations which have been in effect since 1950. The existing house currently complies with the R-8 zone front and side yard setback requirements facing Edgehill Drive and Allison Street.
7. The proposed open front porch and new addition facing Edgehill Drive and the new addition facing Allison Street will not comply with both front setback requirements. The applicants, therefore, must seek a variance for the two new improvements which are located in the required front yard setbacks facing Edgehill Drive and Allison Street.

8. Separating the new work which does and does not require a variance, the proposed new improvements to the building are listed as follows:
  - (a) Construct a one-story addition that aligns with the north building wall facing Allison Street and Edgehill Drive. A portion of the new addition facing Edgehill Drive will be hidden by an new front open porch. The proposed addition measures 16.66 feet wide at its narrowest section by 27.00 feet at its widest section, 26.83 feet in length facing Edgehill Drive and 20.00 feet facing Allison Street and totals approximately 769 square feet of new floor area. The height of the one-story addition varies from is 17.00 feet to 18.50 feet from grade to the ridge line of the roof. The addition's roof line will align with the roof the main house. The new addition will accommodate three bedrooms, closets and two bathrooms. A variance of 19.30 feet from the front setback requirement facing Allison Street and 5.00 feet from Edgehill Drive is required.
  - (b) Build a new covered open porch which extends across a portion of the west front building wall facing Edgehill Drive measuring 32.00 feet by 5.00 feet and totaling approximately 160.00 square feet of floor area. It is located to the left of an uncovered front entrance and is approximately 24.25 feet from the front property line facing Edgehill Drive. A front setback variance of 5.75 feet is required.
  - (c) Construct a new open parking pad measuring 10.00 feet by 20.00 feet located along the east side property line. No variance is required for the proposed parking pad improvement.
9. The proposed addition and porch improvement will comply with floor area requirements and vision clearance setback.
10. There have been no previous variances considered for the subject property.
11. Since 1990, there has been one similar case in the immediate area. (Staff report and Board actions are attached).
12. Master Plan/Zoning: The subject property is zoned R-8 and has been so zoned since adoption of the Third Revised Zoning Map in 1951, and is identified in the North Ridge Small Area Plan for residential land use.

**REQUESTED VARIANCES:**

**Section 3-306(A)(1), Front Yard:**

The R-8 zone requires a front yard setback of 30.00 feet. The proposed one-story addition and an open covered front porch are located 25.00 feet and 24.25 feet from the front property line facing Edgehill Drive. The proposed one-story addition is located 10.70 feet from the front property line facing Allison Street. The applicants request front setback variances of 5.00 feet, 5.75 feet and 19.30 feet respectively.

**STAFF ANALYSIS UNDER CRITERIA OF SECTION 11-1103:**

1. Does strict application of the zoning ordinance result in undue hardship to the property owner amounting to a confiscation of the property, or prevent reasonable use of the property?

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The property is irregular in shape but does not have difficult topography which would prohibit or unreasonably restrict the use of the property; it is a flat corner lot. The applicants' property shares the same physical constraints as other irregularly shaped corner lots between Beverly Drive and Crestwood Drive. The subject property is one of five corner lots which have the same physical conditions as to shape and topography. The lot is substandard as to lot area for a corner lot, but that does not constitute a hardship.

2. Is the hardship identified above unique to the subject property, or is it shared by other properties in the neighborhood or the same zone?

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There is no hardship in this case. The subject property is similar to other corner lots within the North Ridge neighborhood

3. Was the hardship caused by the applicant and, if so, how was it created? Or did the condition exist when the property was purchased and, if so, did the applicant acquire the property without knowing of the hardship; how was the hardship first created?

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The applicants was aware, when the property was purchased, of the placement of the house in relation to the front yard setbacks facing Allison Street and Edgehill Drive. The house was built in compliance with the R-8 zone side and front yard setback regulations. The lot is substandard for a corner lot. In this instance being substandard should be viewed as a significant factor to maintain a reasonable amount of mass and density on small corner lots. Staff believes the proposed improvements will alter the house and make it disproportionate

in mass to the lot size and front setbacks. The applicants will take a complying structure and make it noncomplying. The new addition facing Allison Street will come within 10.00 feet of the front property line, closer than any existing main structure in the neighborhood. There is no hardship shown.

4. Will the variance, if granted, be harmful in any way to any adjacent property or harm the value of adjacent and nearby properties? Will it change the character of the neighborhood?

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The proposed improvements will create more mass closer to Allison Street. The house will be brought closer to Allison Street from a 31.00 feet to 10.70 feet. The house currently complies with the R-8 zone front setback of 30.00 feet. No other main structure is that close to the front property line along Allison Street. The new addition and new open porch facing Edgehill Drive will have a less dramatic new front setback compared to Allison Street. The two new improvements will reduce the front setback by less than 6.00 feet facing Edgehill Drive. The improvements to the house will make the house appear longer from Edgehill Drive and substantially close to Allison Street which will and change the character along Allison Street. Staff believes too much mass will be constructed on a substandard corner lot, even though the new improvements comply with the floor area limitation.

5. Have alternate plans been considered so that a variance would not be needed?

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No alternative plans were considered that would met the needs of the applicants. There is room at the rear of the house to accommodate the necessary improvements without the need of a variance.

6. Is any other official remedy available to relieve the hardship?

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No other administrative remedy exists except a variance.

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STAFF: Barbara Ross, Deputy Director, and Peter Leiberg, Principal Planner, Department of Planning and Zoning

**DEPARTMENTAL COMMENTS**

Transportation and Environmental Services:

- C-1 Change in point of attachment or removal of existing overhead utility services will require undergrounding or a variance. (Sec. 5-3-3)
- R-1 City Code Section 8-1-22 requires that roof, surface and sub-surface drains be connected to the public storm sewer system. Where storm sewer is not available applicant must provide a design to mitigate impact of storm water drainage onto adjacent properties and to the satisfaction of the Director of Transportation & Environmental Services.

Code Enforcement:

- C-1 Prior to the issuance of a demolition permit or land disturbance permit, a rodent abatement plan shall be submitted to Code Enforcement that will outline the steps that will taken to prevent the spread of rodents from the construction site to the surrounding community and sewers.
- C-2 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-3 A soils report must be submitted with the building permit application.
- C-4 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-5 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-6 Construction permits are required for this project. Plans shall accompany the permit application that fully detail the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.

Recreation (Arborist):

- F-1 A 28" Ash and a 12" Norway Maple will be damaged or destroyed as a result of this plan. Both trees appear to located within the required front yard.

Historic Alexandria (Archaeology):

- F-1     There is low potential for significant archaeological resources to be present on this property. No archaeological action is required.

Other Requirements Brought to the Applicant's Attention:

- C-1     A wall check survey plat shall be submitted to Planning and Zoning when the building footprint is in place, pursuant to Alexandria City Code section 8-1-12.